

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAVID BILLUPS,
PLAINTIFF,

-vs-

JAMES McWEENEY, ET AL.,
DEFENDANTS. /

CASE NO. 01-1877
JUDGE SPIEGEL
MAGISTRATE JUDGE HOGAN

FILED
JAMES BONINI
CLERK

2003 DEC -9 PM 12:34

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIV CINCINNATI

PLAINTIFF'S MOTION FOR RULE 11
SANCTIONS AGAINST THE DEFENDANTS.

Plaintiff, David Billups, moves this Court for Rule 11 Sanctions against Defendants for misleading this Court by filing "Defendant Audrey Young's Supplementary Objection to the Magistrate's Report and Recommendation", and the delays caused by the Defendants' Motions requesting to file the misleading Supplementary Objection.

In the Supplementary Objection Defendants state for the first time in over two (2) years Defendant Young had no involvement with this case. This after admitting involvement several times in prior Motions:

1. 11.15.01 Answer at #7.
2. January 2002 - Deposition.
3. 4.8.02 at page 2 & 8.
4. 4.28.03 at page 17.

Please also see Plaintiff's Traverse in Opposition at Point I, Point II, and Point III.

Because the claims and defenses in the Supplementary Objection are frivolous and have no evidentiary support and are not warranted, Plaintiff asserts Rule 11 Sanctions are in order.

Respectfully Submitted,

/s/ David Billups
David Billups
P.O. Box 7010-211903
Chillicothe, Ohio
45601

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing has been served
to Counsel for Defendants at: Marianne Pressman #0059512, 1600 Carew Tower
441 Vine Street, Cincinnati, Ohio 45202 this 9th day of
December 2003 by regular U.S. Mail.

/s/ David Billups
David Billups